

Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 28, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.441, by revising paragraph (c), to read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

* * * *

(c) Tolerances are established for the combined residues of the herbicide quizalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy]-propanoate], and its acid metabolite quizalofop-p [R-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy))propanoic acid], and the *S* enantiomers of both the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the following raw agricultural commodities:

Commodity	Parts per million
Cottonseed	0.05
Lentils	0.05

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40 CFR Part 300

[FRL-5259-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete NAS Whidbey Island Seaplane Base (site) from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the NAS Whidbey Island Seaplane Base site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup is necessary. Moreover, the State and EPA has determined that the remedial activities conducted at the site to date have been protective of public health, welfare and the environment.

DATES: Comments concerning this Site may be submitted on or before August 17, 1995.

ADDRESSES: Comments may be mailed to: R. Matthew Wilkening, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101-9797.

Comprehensive information on this Site is available through the U.S. Navy's public docket which is available for viewing at the NAS Whidbey Island Seaplane Base repositories at the following locations:

Engineering Field Activity, NW (primary Admin. Record loc.) Naval Facilities Engineering Command, 19917 7th Ave. Poulsbo, Washington
Oak Harbor Library, 7030 70th N.E., Oak Harbor, Washington
Sno-Isle Regional Library System, Coupeville Library, 788 N.W. Alexander, Coupeville, Washington
NAS Whidbey Island Library (for those with base access) 115 W. Lexington St., Oak Harbor, Washington.

FOR FURTHER INFORMATION CONTACT: R. Matthew Wilkening, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: HW-124, Seattle, Washington 98101-9797, (206) 553-1284.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete NAS Whidbey Island Seaplane Base from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as a list of those sites. As noted in Section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the NAS Whidbey Island Seaplane Base Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA considers, in consultation with the state, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate fund financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate, or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site *above* levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, where no hazardous wastes are above health based levels and future access does not require restriction, operation and maintenance activities and five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, the federal government may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this Site: (1) The Navy has implemented all appropriate response actions required for the Site. The completion of this action the qualified Site for inclusion on the Superfund Site Construction Completion List and may be used to initiate Deletion from the NPL procedures. (2) The Washington State Department of Ecology concurred with the proposed deletion decision. (3) A notice has been published in the local newspaper and has been distributed to appropriate Federal, State, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and, (4) All relevant documents have been made

available for public review in the local Site information repositories.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this Notice, section 300.425(e)(3) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary if any significant public comments are received.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposed deletion of this Site from the NPL.

The Seaplane Base was commissioned on September 21, 1942 along with Ault Field. Together they form the Whidbey Island Naval Air Station (NAS) encompassing approximately 7000 acres of rural land on the northern side of Whidbey Island. The NAS is located at the north end of the Puget Sound and the eastern portion of the Strait of Juan de Fuca in the State of Washington.

The Seaplane Base was used for seaplane maintenance, torpedo overhaul, rocket firing training, and patrol operations until 1945, when NAS Whidbey Island was placed on reduced operating status. Maintenance and support activities performed at the Base from the 1940s to the late 1970s generated both hazardous and non-hazardous wastes that were disposed of at their generation points or in the nearby landfill. In some cases wastes accidentally spilled have entered or were threatening to enter the environment.

In the mid 1980s the Navy identified several potentially contaminated areas on the Seaplane Base. On February 21, 1990 the EPA listed the Base on the NPL, making it a Superfund site subject to the requirements of CERCLA. On December 22, 1993, the Record of Decision was signed by the Navy, EPA, and Ecology outlining remedial action to be performed at the site. Surface soil at several localized areas were found to

pose potential risks to future residential use. Excavation of this soil began during the fall of 1994 and continued until 1300 cubic yards were excavated. The final action was the disposal of the investigation-derived waste on November 29, 1994.

The remedial action that occurred at the Seaplane Base removed all contaminated soil that posed a risk to human health or the environment, thus post remediation operation and maintenance activities are not extensive. The only significant operation and maintenance activity to be performed at an area that had been used for disposal of construction debris. While there is no health risk posed by this site, Washington State requires that a notice indicating past use of this site be attached to the site. This consists of a deed notification should the Navy ever sell this property. The deed will contain a notification that the property contains a past construction and demolition debris landfill.

Human health and ecological risk assessments were performed to assess current or future potential adverse human health or ecological effects associated with exposure to chemicals detected in soils, groundwater, surface water and sediments at NAS Whidbey Island Seaplane Base. Based on comparison of site specific analytical data with EPA and State risk-based screening criteria, ecological benchmarks, toxicity values, and the detection frequency and exposure potential of chemical constituents, it was concluded that chemicals at NAS Whidbey Island Seaplane Base do not pose an unacceptable risk to human health or the environment, under any land use scenario. Accordingly, EPA will not conduct "five-year reviews" at this Site.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "the responsible parties or other persons have implemented all appropriate response actions required." EPA, with concurrence of Ecology, believes that this criterion for deletion has been met. Therefore, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the docket.

Dated: July 5, 1995.

Chuck Clarke,

Regional Administrator, Region 10.

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